HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 22775, 22778 and 22812 OF 2006

DATED: 3.11.2006

W.P.No.22775 of 2006:

Between:

Surappagari Tulasamma and others

… Petitioners

and

The Commissioner, Endowments Department and others

… Respondents

W.P.No.22778 of 2006:

Between:

Mukkamala Sharabaiah

… Petitioner

and

The Commissioner, Endowments Department and others

… Respondents

W.P.No.22812 of 2006:

Between:

Mukkamala Venkata Subbaiah

… Petitioner

and

The Commissioner, Endowments

Department and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.22775, 22778 and 22812 OF 2006

COMMON ORAL ORDER:

Since the subject matter of all these writ petitions is one and the same, they can be disposed of by this common order.

These writ petitions are misconceived.

In these writ petitions, the petitioners allege that in respect of the lands belonging to them, the Executive Officer of the 3rd respondent-Devasthanam has taken steps to notify a public auction for grant of leasehold rights for agricultural operations.

The petitioners assert that the lands belong to them and not the Devasthanam. The petitioners have also approached the civil court and have obtained certain orders which have been modified by an appellate court exercising civil jurisdiction. It is not necessary to set out the orders passed by the civil courts or the litigation pending thereat.

These writ petitions are filed complaining of inaction by the 1st respondent in considering the petitioners' representations dated 22.8.2006 with regard to approval of proposals in respect of the

auction conducted on 13.4.2006 by the 3rd respondent-Devasthanam. The petitioners are not able to establish before this court that the 1st respondent has any jurisdiction, power or authority to determine competing claims as to the ownership of the properties in question between private individuals on the one hand and the Devasthanam on the other.

In the absence of any such power, authority or jurisdiction to adjudicate competing claims of ownership conferred by explicit and specific statutory provisions, the Commissioner who is a mere executive authority and is not by virtue of the office or of the qualifications of the office, competent to adjudicate disputed claims as to title, cannot entertain representations and thereby confer jurisdiction on himself to determine competing claims to title to property. The proper course for the petitioners is to pursue any statutory remedies available under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') and if the Act is silent on this aspect, the petitioners have always a remedy to approach the civil court of competent jurisdiction. They have already done so.

For the aforesaid reasons, there are no merits. The writ petitions are dismissed. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 3.11.2006
CVM